



Reprinted
February 5, 2004

HOUSE BILL No. 1359

DIGEST OF HB 1359 (Updated February 4, 2004 11:44 pm - DI 92)

Citations Affected: IC 6-6; IC 9-13; IC 9-18; IC 9-19; IC 9-20; IC 9-21; IC 9-24; IC 9-29; IC 13-11; IC 26-1; noncode.

Synopsis: Implements of agriculture. Changes the defined term "implement of husbandry" to "implement of agriculture" for purposes of the motor vehicle code, and requires the bureau of motor vehicles (bureau) to determine categories of implements of agriculture by rule. Redefines the term "farm tractor" for purposes of the motor vehicle code. Defines special machinery and sets a fee for registration. Provides that certain motor vehicles may be operated and registered as farm trucks, farm trailers, or farm semitrailers and tractors if not used for certain commercial enterprises. Makes it a Class C infraction (and a Class B infraction for a second offense within three years) to operate or own a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle is used for certain commercial enterprises. Requires the bureau to adopt rules to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor". Prohibits a law enforcement officer from impounding certain farm products when a vehicle is discovered in violation of registration requirements and removes the penalty against an officer for a reckless violation of this provision. Revises the exclusion of certain garden tractors from the application of the waste tire management fund fee. Repeals the definitions of "farm machinery", "farm tractor used in transportation", and "special farm machinery", and repeals references to those terms within the motor vehicle code. Deletes an obsolete reference to a financing statement for a farm tractor. Repeals the license fee for certain vehicles used in farming operations. Makes conforming amendments.

Effective: Upon passage; July 1, 2004.

Van Haaften, Cherry, Chowning

January 20, 2004, read first time and referred to Committee on Roads and Transportation.
January 29, 2004, amended, reported — Do Pass; referred to Committee on Ways and Means pursuant to Rule 127.
February 2, 2004, referral to Committee on Ways and Means withdrawn.
February 4, 2004, read second time, amended, ordered engrossed.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1359

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 6-6-1.1-903 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 903. (a) A person is
3 entitled to a refund of gasoline tax paid on gasoline purchased or used
4 for the following purposes:

- 5 (1) Operating stationary gas engines.
- 6 (2) Operating equipment mounted on motor vehicles, whether or
7 not operated by the engine propelling the motor vehicle.
- 8 (3) Operating a tractor used for agricultural purposes.
- 9 (3.1) Operating implements of ~~husbandry~~ **agriculture** (as defined
10 in IC 9-13-2-77).
- 11 (4) Operating motorboats or aircraft.
- 12 (5) Cleaning or dyeing.
- 13 (6) Other commercial use, except propelling motor vehicles
14 operated in whole or in part on an Indiana public highway.
- 15 (7) Operating a taxicab (as defined in section 103 of this chapter).

16 (b) If a refund is not issued within ninety (90) days of filing of the
17 verified statement and all supplemental information required by

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IC 6-6-1.1-904.1, the department shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required by the department until a date determined by the administrator that does not precede by more than thirty (30) days the date on which the refund is made.

SECTION 2. IC 9-13-2-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 56. ~~(a)~~ "Farm tractor" means ~~except as provided in subsection (b);~~ a motor vehicle designed and used primarily as a farm implement for drawing ~~farm machinery including plows, mowing machines, harvesters, and other~~ implements of ~~husbandry, agriculture~~ used on a farm and, when using the highways, in traveling from one (1) field or farm to another or to or from places of repairs. The term includes a wagon, trailer, or other vehicle pulled by a farm tractor.

~~(b) "Farm tractor", for purposes of IC 9-21, means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.~~

SECTION 3. IC 9-13-2-60 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 60. "Farm wagon" means a wagon, other than an implement of ~~husbandry, agriculture~~, used primarily for transporting farm products and farm supplies in connection with a farming operation.

SECTION 4. IC 9-13-2-77 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 77. ~~(a)~~ "Implement of husbandry" **agriculture** means ~~special farm machinery, farm machinery, and other agricultural implements, pull type and self-propelled, equipment used for the: transportation and~~

(1) transport;

(2) delivery; or

(3) application;

of plant food materials or agricultural chemicals **crop inputs, including seed, fertilizers, and crop protection products,** and vehicles designed to transport ~~farm~~ **these types of agricultural** implements.

(b) The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway.

SECTION 5. IC 9-13-2-105, AS AMENDED BY P.L.265-2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2004]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of ~~husbandry~~, **agriculture designed to be operated primarily in a farm field or on farm premises**, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle except a motorized bicycle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 170.3. "Special machinery" means a portable saw mill or well drilling machinery.**

SECTION 7. IC 9-13-2-180 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 180. "Tractor" means a motor vehicle designed and used primarily for drawing or propelling trailers, semitrailers, or vehicles of any kind. The term does not include the following:

- (1) A farm tractor.
- ~~(2) A farm tractor used in transportation.~~
- ~~(3)~~ **(2)** A tractor that is used exclusively for drawing a passenger carrying semitrailer.

SECTION 8. IC 9-13-2-188 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 188. (a) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

(b) "Truck", for purposes of IC 9-21-8-3, includes the following:

- (1) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
- (2) A motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of ~~husbandry~~, **agriculture**.

SECTION 9. IC 9-13-2-196, AS AMENDED BY P.L.143-2002, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or

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property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.
- (7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:
 - (A) Road construction or maintenance machinery.
 - (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
 - (C) Construction dust control machinery.
 - (D) Well boring apparatus.
 - (E) Ditch digging apparatus.
 - (F) An implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises.**
 - (G) An invalid chair.
 - (H) A yard tractor.
- (8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device.

SECTION 10. IC 9-18-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. This article does not apply to the following:

- (1) Farm wagons.
- (2) Farm tractors.
- ~~(3) Farm machinery.~~
- ~~(4)~~ **(3)** A new motor vehicle if the new motor vehicle is being operated in Indiana solely to remove it from an accident site to a

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storage location because:

(A) the new motor vehicle was being transported on a railroad car or semitrailer; and

(B) the railroad car or semitrailer was involved in an accident that required the unloading of the new motor vehicle to preserve or prevent further damage to it.

(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.

SECTION 11. IC 9-18-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 26. (a) License plates shall be displayed as follows:

(1) For a motorcycle, trailer, semitrailer, or recreational vehicle, upon the rear of the vehicle.

(2) For a ~~farm tractor~~ or tractor, upon the front of the vehicle.

(3) For every other vehicle, upon the rear of the vehicle.

(b) A license plate shall be securely fastened, in a horizontal position, to the vehicle for which the plate is issued:

(1) to prevent the license plate from swinging;

(2) at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate;

(3) in a place and position that are clearly visible;

(4) maintained free from foreign materials and in a condition to be clearly legible; and

(5) not obstructed or obscured by tires, bumpers, accessories, or other opaque objects.

(c) The bureau may adopt rules the bureau considers advisable to enforce the proper mounting and securing of license plates on vehicles consistent with this chapter.

SECTION 12. IC 9-18-2-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 29. Except as otherwise provided, before:

(1) a motor vehicle;

(2) a motorcycle;

(3) a truck;

(4) a trailer;

(5) a semitrailer;

(6) a tractor;

~~(7) an implement of husbandry or a farm tractor used in transportation;~~

~~(8) (7) a bus;~~

~~(9) (8) a school bus;~~

~~(10) (9) a recreational vehicle; or~~

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~~(11)~~ **(10)** special ~~farm~~ machinery;
is operated or driven on a highway, the person who owns the vehicle
must register the vehicle with the bureau and pay the applicable
registration fee.

SECTION 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA
CODE AS A **NEW** SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2004]: **Sec. 29.5. Before a piece of special
machinery is operated off a highway or in a farm field, the person
who owns the piece of special machinery must:**

**(1) register the piece of special machinery with the bureau;
and**

(2) pay the applicable registration fee.

SECTION 14. IC 9-18-2-43 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. (a) Notwithstanding
any law to the contrary but except as provided in subsection (b), a law
enforcement officer authorized to enforce motor vehicle laws who
discovers a vehicle required to be registered under this article that does
not have the proper certificate of registration or license plate:

(1) shall take the vehicle into the officer's custody; and

(2) may cause the vehicle to be taken to and stored in a suitable
place until:

(A) the legal owner of the vehicle can be found; or

(B) the proper certificate of registration and license plates
have been procured.

(b) A law enforcement officer who discovers a vehicle in violation
of the registration provisions of this article ~~has discretion in the
impoundment of~~ **may not impound** any of the following:

(1) Perishable commodities.

(2) Livestock.

~~(c) A person who recklessly violates this section commits a Class A
misdemeanor.~~

SECTION 15. IC 9-19-1-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) Except as
provided in ~~subsections~~ **subsection (b) through (c)** and as otherwise
provided in this chapter, this article does not apply to the following
with respect to equipment on vehicles:

(1) Implements of ~~husbandry~~ **agriculture designed to be
operated primarily in a farm field or on farm premises.**

(2) Road machinery.

(3) Road rollers.

(4) Farm tractors.

(5) Vehicle chassis that:

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- 1 (A) are a part of a vehicle manufacturer's work in process; and
 2 (B) are driven under this subdivision only for a distance of less
 3 than one (1) mile.

4 (b) A farm type dry or liquid fertilizer tank trailer or spreader that
 5 is drawn or towed on a highway by:

- 6 (1) a farm tractor; or
 7 (2) a motor vehicle at a speed not greater than thirty (30) miles
 8 per hour;

9 is considered an implement of husbandry with respect to equipment
 10 requirements and all the requirements of this article regarding lamps
 11 on combinations, including farm tractors, apply.

12 (c) (b) A farm type dry or liquid fertilizer tank trailer or spreader
 13 that is drawn or towed on a highway by a motor vehicle other than a
 14 farm tractor at a speed greater than thirty (30) miles per hour is
 15 considered a trailer for equipment requirement purposes and all
 16 equipment requirements concerning trailers apply.

17 SECTION 16. IC 9-19-1-3, AS AMENDED BY P.L.1-1999,
 18 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2004]: Sec. 3. Sections 4 through 5 of this chapter and
 20 IC 9-19-4-3, IC 9-19-4-4, and IC 9-19-5-7:

- 21 (1) do not apply to:
 22 (A) machinery or equipment used in highway construction or
 23 maintenance by the Indiana department of transportation,
 24 counties, or municipalities;
 25 (B) farm drainage machinery;
 26 (C) implements of husbandry **agriculture** when used during
 27 farming operations or when so constructed that they can be
 28 moved without material damage to the highways; or
 29 (D) firefighting apparatus owned or operated by a political
 30 subdivision or a volunteer fire department (as defined in
 31 ~~IC 36-8-12-1~~; **IC 36-8-12-2**); and

- 32 (2) do not limit the width or height of farm vehicles when loaded
 33 with farm products.

34 SECTION 17. IC 9-19-6-11 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) A farm tractor
 36 and a self-propelled farm equipment unit or an implement of husbandry
 37 **agriculture designed to be operated primarily in a farm field or on**
 38 **farm premises, when operated on a highway and** not equipped with
 39 an electric lighting system must, at all times required by IC 9-21-7-2,
 40 be equipped with the following:

- 41 (1) At least one (1) lamp displaying a white light visible from a
 42 distance of not less than five hundred (500) feet to the front of the

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vehicle.

(2) At least one (1) lamp displaying a red light visible from a distance of not less than five hundred (500) feet to the rear of the vehicle.

(3) Two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The lights required by this subsection must be positioned so that one (1) lamp showing to the front and one (1) lamp or reflector showing to the rear will indicate the furthest projection of the tractor, unit, or implement on the side of the road used in passing the vehicle.

(b) A combination of farm tractor and towed unit of farm equipment or implement of **husbandry agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** not equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped with two (2) red reflectors that meet the following requirements:

(1) Are visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

(2) Are mounted in a manner so as to indicate as nearly as practicable the extreme left and right rear projections of the towed unit or implement on the highway.

(c) A farm tractor and a self-propelled unit of farm equipment or an implement of **husbandry agriculture designed to be operated primarily in a farm field or on farm premises, when operated on a highway and** equipped with an electric lighting system must, at all times required by IC 9-21-7-2, be equipped with the following:

(1) Two (2) single-beam or multiple-beam head lamps meeting the requirements of section 20 or 21 of this chapter IC 9-21-7-9.

(2) Two (2) red lamps visible from a distance of not less than five hundred (500) feet to the rear, or in the alternative, one (1) red lamp visible from a distance of not less than five hundred (500) feet to the rear and two (2) red reflectors visible from a distance of one hundred (100) feet to six hundred (600) feet to the rear when illuminated by the upper beams of head lamps.

The red lamps or reflectors must be mounted in the rear of the farm tractor or self-propelled implement of **husbandry agriculture** so as to indicate as nearly as practicable the extreme left and right projections of the vehicle on the highways.

(d) A combination of farm tractor and towed farm equipment or towed implement of **husbandry agriculture designed to be operated**

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1 **primarily in a farm field or on farm premises, when operated on a**
 2 **highway and** equipped with an electric lighting system must, at all
 3 times required by IC 9-21-7-2, be equipped as follows:

4 (1) The farm tractor element of each combination must be
 5 equipped with two (2) single-beam or multiple-beam head lamps
 6 meeting the requirements of section 20 or 21 of this chapter or
 7 IC 9-21-7-9.

8 (2) The towed unit of farm equipment or implement of ~~husbandry~~
 9 **agriculture** element of each combination must be equipped with
 10 the following:

11 (A) Two (2) red lamps visible from a distance of not less than
 12 five hundred (500) feet to the rear, or as an alternative, one (1)
 13 red lamp visible from a distance of not less than five hundred
 14 (500) feet to the rear.

15 (B) Two (2) red reflectors visible from a distance of one
 16 hundred (100) feet to six hundred (600) feet to the rear when
 17 illuminated by the upper beams of head lamps.

18 The red lamps or reflectors must be located so as to indicate as
 19 nearly as practicable the extreme left and right rear projections of
 20 the towed unit or implement on the highway.

21 (3) A combination of farm tractor and towed farm equipment or
 22 towed implement of ~~husbandry~~ **agriculture** equipped with an
 23 electric lighting system must be equipped with the following:

24 (A) A lamp displaying a white or an amber light, or any shade
 25 of color between white and amber, visible from a distance of
 26 not less than five hundred (500) feet to the front.

27 (B) A lamp displaying a red light visible from a distance of not
 28 less than five hundred (500) feet to the rear.

29 The lamps must be installed or capable of being positioned so as
 30 to indicate to the front and rear the furthest projection of that
 31 combination on the side of the road used by other vehicles in
 32 passing that combination.

33 (e) A farm tractor, a self-propelled farm equipment unit, or an
 34 implement of ~~husbandry~~ **agriculture** must not display blinding field or
 35 flood lights when operated on a highway.

36 (f) All rear lighting requirements may be satisfied by having a
 37 vehicle with flashing lights immediately trail farm equipment in
 38 accordance with IC 9-21-7-11.

39 SECTION 18. IC 9-19-18-3 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Except as
 41 provided in subsections (b) through (d), a tire on a vehicle moved on
 42 a highway may not have on the tire's periphery a block, stud, flange,

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1 cleat, or spike or any other protuberance of any material other than
2 rubber that projects beyond the tread of the traction surface of the tire.

3 (b) ~~Farm machinery~~ **Implements of agriculture** may use tires
4 having protuberances that will not injure the highway.

5 (c) Tire chains of reasonable proportions may be used upon a
6 vehicle when required for safety because of snow, ice, or other
7 conditions tending to cause a vehicle to skid.

8 (d) From October 1 to the following May 1, a vehicle may use tires
9 in which have been inserted ice grips or tire studs of wear-resisting
10 material, installed in a manner that provides resiliency upon contact
11 with the road, with projections that do not exceed three thirty-seconds
12 (3/32) of an inch beyond the tread of the traction surface of the tire, and
13 constructed to prevent any appreciable damage to the road surface.

14 SECTION 19. IC 9-19-18-4 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The Indiana
16 department of transportation and local authorities in their respective
17 jurisdictions may in their discretion issue special permits authorizing
18 the operation upon a highway of:

19 (1) traction engines; or

20 (2) tractors having movable tracks with transverse corrugations
21 upon the periphery of movable tracks; or

22 (3) farm tractors or ~~other farm machinery~~, **implements of**
23 **agriculture designed to be operated primarily in a farm field**
24 **or on farm premises;**

25 the operation of which upon a highway would otherwise be prohibited
26 under this chapter.

27 SECTION 20. IC 9-20-2-2, AS AMENDED BY P.L.1-1999,
28 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2004]: Sec. 2. (a) As used in this section, "farm vehicle loaded
30 with a farm product" includes a truck hauling unprocessed leaf tobacco.

31 (b) Except for interstate highway travel, this article does not apply
32 to the following:

33 (1) Machinery or equipment used in highway construction or
34 maintenance by the Indiana department of transportation,
35 counties, or municipalities.

36 (2) ~~Farm drainage machinery~~.

37 ~~(3)~~ (2) Implements of ~~husbandry~~ **agriculture** when used during
38 farming operations or when so constructed that the implements
39 can be moved without material damage to the highways.

40 (c) This article does not apply to firefighting apparatus owned or
41 operated by a political subdivision or volunteer fire department (as
42 defined in IC 36-8-12-2).

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(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 21. IC 9-21-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) Except as provided in subsection (b), a stop or turn signal required under this chapter may be given by means of the hand and arm or by a signal lamp or lamps or mechanical signal device.

(b) This subsection does not apply to farm tractors and implements **of agriculture designed to be operated primarily in a farm field or on farm premises**. A motor vehicle in use on a highway must be equipped with and a required signal shall be given by a signal lamp or lamps or mechanical signal device when either of the following conditions exist:

(1) The distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of the motor vehicle exceeds twenty-four (24) inches.

(2) The distance from the center of the top of the steering post to the rear limit of the body or load of the motor vehicle exceeds fourteen (14) feet. This measurement applies to a single vehicle and a combination of vehicles.

SECTION 22. IC 9-21-8-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 46. A person may not drive or operate:

(1) an implement of ~~husbandry~~ **agriculture designed to be operated primarily in a farm field or on farm premises; or**

(2) **a piece of special machinery;**

upon any part of an interstate highway.

SECTION 23. IC 9-21-8-47, AS AMENDED BY P.L.1-1999, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 47. The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Farm drainage machinery.

(3) Implements of ~~husbandry~~ **agriculture.**

(4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).

(5) Farm vehicles loaded with farm products.

SECTION 24. IC 9-21-21 IS ADDED TO THE INDIANA CODE

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AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2004]:

Chapter 21. Farm Vehicles Involved in Commercial Enterprises

Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).

Sec. 2. A farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may not be operated:

- (1) part time or incidentally in the conduct of a commercial enterprise; or
- (2) for the transportation of farm products after the commodities have entered the channels of commerce.

Sec. 3. A farm truck described in section 1 of this chapter may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

Sec. 4. If the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter begins to operate, or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

- (1) in the conduct of a commercial enterprise; or
- (2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5 due for the remainder of the registration year for the license fee.

Sec. 5. In addition to the penalty provided in section 7 of this chapter, a person that operates a vehicle, or allows a vehicle that the person owns to be operated when the vehicle is:

- (1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and
- (2) operated as set forth in section 4 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

Sec. 6. For purposes of this chapter, the operation of a vehicle in violation of section 4 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

- (1) judgment against; or

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(2) finding by the court for;
the owner or operator bars a prosecution in another county.

Sec. 7. (a) A law enforcement officer (as defined in IC 9-13-2-92(1), IC 9-13-2-92(2), or IC 9-13-2-92(3)) who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 4 of this chapter:

(1) may take the vehicle into the officer's custody; and
(2) may cause the vehicle to be taken to and stored in a suitable place until:

(A) the legal owner of the vehicle can be found; or

(B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A law enforcement officer described in subsection (a) who discovers a vehicle in violation of the registration provisions of this chapter may not impound any of the following:

(1) Perishable commodities.

(2) Livestock.

SECTION 25. IC 9-24-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating: ~~an~~

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor or ~~an implement of husbandry~~; **agriculture designed to be operated primarily in a farm field or on farm premises;**

that is being temporarily drawn, moved, or propelled on an Indiana public highway.

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the nonresident's home state or country;

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1 while operating a motor vehicle in Indiana only as an operator.

2 (4) A nonresident who:

3 (A) is at least eighteen (18) years of age; and

4 (B) has in the nonresident's immediate possession a valid
5 chauffeur's license that was issued to the nonresident in the
6 nonresident's home state or country;

7 while operating a motor vehicle upon a public highway, either as
8 an operator or a chauffeur.

9 (5) A nonresident who:

10 (A) is at least eighteen (18) years of age; and

11 (B) has in the nonresident's immediate possession a valid
12 license issued by the nonresident's home state for the operation
13 of any motor vehicle upon a public highway when in use as a
14 public passenger carrying vehicle;

15 while operating a motor vehicle upon a public highway.

16 (6) A nonresident whose home state or country does not require
17 the licensing of operators or chauffeurs and who has not been
18 licensed as an operator or a chauffeur in the nonresident's home
19 state or country as an operator if the nonresident is at least sixteen
20 (16) years and thirty (30) days of age and less than eighteen (18)
21 years of age or as a chauffeur if the nonresident is at least
22 eighteen (18) years of age, for not more than sixty (60) days in
23 any one (1) year if the following conditions exist:

24 (A) The unlicensed nonresident is the owner of the motor
25 vehicle or the authorized driver of the vehicle.

26 (B) The vehicle has been registered for the current year in the
27 state or country of which the owner is a resident.

28 (C) The motor vehicle at all times displays a registration plate
29 issued in the home state or country of the owner.

30 (D) The nonresident owner or driver has in the owner's or
31 driver's immediate possession a registration card evidencing
32 ownership and registration in the owner's or driver's home
33 state or country or is able at any required time or place to do
34 the following:

35 (i) Prove lawful possession or the right to operate the motor
36 vehicle.

37 (ii) Establish the nonresident's proper identity.

38 (7) An individual who is legally licensed to operate a motor
39 vehicle in the state of the individual's residence and who is
40 employed in Indiana, subject to the restrictions imposed by the
41 state of the individual's residence.

42 (8) A new resident of Indiana who possesses an unexpired driver's

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license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 26. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for a motor vehicle that has: (1) a corn sheller; (2) a well driller; (3) a hay press; (4) a clover huller; (5) a farm wagon type liquid fertilizer tank trailer; or (6) farm machinery; that is permanently mounted on the motor vehicle and used solely for transporting the equipment a piece of special machinery is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.

(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.

(e) (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

SECTION 27. IC 9-29-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a:

(1) farm tractor; or

(2) properly registered motor vehicle.

that is registered as a farm tractor used in transportation.

SECTION 28. IC 9-29-5-13 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section
 2 does not apply to a vehicle or person exempt from registration under
 3 IC 9-18.

4 (b) The license fee for a motor vehicle, trailer, or semitrailer and
 5 tractor operated primarily as a farm truck, farm trailer, or farm
 6 semitrailer and tractor:

7 (1) having a declared gross weight of at least ~~eleven~~ **sixteen**
 8 thousand ~~(11,000)~~ **(16,000)** pounds; and

9 (2) used by the owner or guest occupant in connection with
 10 agricultural pursuits usual and normal to the user's farming
 11 operation;

12 is fifty percent (50%) of the amount listed in this chapter for a truck,
 13 trailer, or semitrailer and tractor of the same declared gross weight.

14 ~~(c) A farm truck, farm trailer, or farm semitrailer and tractor~~
 15 ~~described in subsection (b) may not be operated either part time or~~
 16 ~~incidentally in the conduct of a commercial enterprise or for the~~
 17 ~~transportation of farm products after the commodities have entered the~~
 18 ~~channels of commerce.~~

19 ~~(d) A farm truck described in subsection (b) may be used for~~
 20 ~~personal purposes if the vehicle otherwise qualifies for that class of~~
 21 ~~registration.~~

22 SECTION 29. IC 9-29-5-42 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 42. (a) Except as
 24 provided in subsection (c), vehicles not subject to IC 9-18-2-8 shall be
 25 registered at one-half (1/2) of the regular rate, subject to IC 9-18-2-7,
 26 if the vehicle is registered after July 31 of any year. This subsection
 27 does not apply to the following:

28 ~~(1) A farm tractor used in transportation.~~

29 ~~(2) (1) Special farm machinery.~~

30 ~~(3) (2) Semitrailers registered on a five (5) year or permanent~~
 31 ~~basis under IC 9-18-10-2.~~

32 **(3) An implement of agriculture designed to be operated**
 33 **primarily on a highway.**

34 (b) Except as provided in subsection (c), subsection (a) and
 35 IC 9-18-2-7 determine the registration fee for the registration of a
 36 vehicle subject to registration under IC 9-18-2-8(c), IC 9-18-2-8(d),
 37 and IC 9-18-2-8(e) and acquired by an owner subsequent to the date
 38 required for the annual registration of vehicles by an owner set forth in
 39 IC 9-18-2-8.

40 (c) Subject to subsection (d), a vehicle subject to the International
 41 Registration Plan that is registered after September 30 shall be
 42 registered at a rate determined by the following formula:

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1 STEP ONE: Determine the number of months before April 1 of
 2 the following year beginning with the date of registration. A
 3 partial month shall be rounded to one (1) month.

4 STEP TWO: Multiply the STEP ONE result by one-twelfth
 5 (1/12).

6 STEP THREE: Multiply the annual registration fee for the vehicle
 7 by the STEP TWO result.

8 (d) If the department of state revenue adopts rules under IC 9-18-2-7
 9 to implement staggered registration for motor vehicles subject to the
 10 International Registration Plan, a motor vehicle subject to the
 11 International Registration Plan that is registered after the date
 12 designated for registration of the motor vehicle in rules adopted under
 13 ~~IC 9-17-2-7~~ IC 9-18-2-7 shall be registered at a rate determined by the
 14 following formula:

15 STEP ONE: Determine the number of months before the motor
 16 vehicle must be re-registered. A partial month shall be rounded to
 17 one (1) month.

18 STEP TWO: Multiply the STEP ONE result by one-twelfth
 19 (1/12).

20 STEP THREE: Multiply the annual registration fee for the vehicle
 21 by the STEP TWO result.

22 SECTION 30. IC 13-11-2-245 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 245. (a) "Vehicle", for
 24 purposes of IC 13-17-5, refers to a vehicle required to be registered
 25 with the bureau of motor vehicles and required to have brakes. The
 26 term does not include the following:

27 ~~(1) Farm tractors.~~

28 ~~(2) Implements of husbandry.~~

29 ~~(3) Farm tractors used in transportation.~~

30 ~~(4) (1) Mobile homes (house trailers).~~

31 ~~(5) (2) Trailers weighing not more than three thousand (3,000)~~
 32 ~~pounds.~~

33 ~~(6) (3) Antique motor vehicles.~~

34 **(4) Special machinery (as defined in IC 9-13-2-170.3).**

35 (b) "Vehicle", for purposes of IC 13-18-12, means a device used to
 36 transport a tank.

37 (c) "Vehicle", for purposes of IC 13-20-4, refers to a municipal
 38 waste collection and transportation vehicle.

39 (d) "Vehicle", for purposes of IC 13-20-13-7, means a motor vehicle
 40 and types of equipment, machinery, implements, or other devices used
 41 in transportation, manufacturing, agriculture, construction, or mining.

42 The term does not include the following:

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(1) A lawn and garden tractor that is propelled by a motor of not more than ~~twenty (20)~~ **twenty-five (25)** horsepower.

(2) A semitrailer.

(e) "Vehicle", for purposes of IC 13-20-14, has the meaning set forth in IC 9-13-2-196.

SECTION 31. IC 26-1-9.1-311, AS ADDED BY P.L.57-2000, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 311. (a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt IC 26-1-9.1-310(a);

(2) any Indiana certificate-of-title statute covering automobiles, trailers, mobile homes, ~~or boats, farm tractors or the like~~, which provides for a security interest to be indicated on the certificate as a condition or result of perfection; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under IC 26-1-9.1. Except as otherwise provided in subsection (d), IC 26-1-9.1-313, IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d), IC 26-1-9.1-316(d), and IC 26-1-9.1-316(e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to IC 26-1-9.1.

(d) During any period in which collateral, subject to a statute specified in subsection (a)(2), is inventory held for sale or lease by a person or leased by that person as lessor, and that person is in the business of selling goods of that kind, this section does not apply to a

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1 security interest in that collateral created by that person, but instead,
2 the filing provisions of IC 26-1-9.1-501 through IC 26-1-9.1-527 apply.

3 SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE
4 JULY 1, 2004]: IC 6-6-2.5-11; IC 9-13-2-55; IC 9-13-2-57;
5 IC 9-13-2-169; IC 9-29-5-19.

6 SECTION 33. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
7 IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles
8 shall carry out the duties imposed on it under IC 9-13-2-77(b), as
9 added by this act, under interim written guidelines approved by the
10 commissioner of motor vehicles.

11 (b) This SECTION expires on the earlier of the following:

12 (1) The date rules are adopted under IC 9-13-2-77(b), as
13 added by this act.

14 (2) December 31, 2005.

15 SECTION 34. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding
16 IC 9-29-5-13, as amended by this act, the requirement that a motor
17 vehicle, trailer, or semitrailer and tractor must have a declared
18 gross weight of at least sixteen thousand (16,000) pounds in order
19 to be categorized as a farm truck, farm trailer, or farm semitrailer
20 and tractor does not apply to a motor vehicle, trailer, or
21 semitrailer and tractor before January 1, 2005.

22 (b) This SECTION expires December 31, 2005.

23 SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The bureau of
24 motor vehicles shall adopt rules under IC 4-22-2 to identify and
25 define "farm truck", "farm trailer", and "farm semitrailer and
26 tractor", as required by IC 9-13-2-58.

27 (b) Notwithstanding subsection (a), the bureau of motor vehicles
28 shall carry out the duties imposed on it by IC 9-13-2-58 and by this
29 SECTION under interim written guidelines approved by the
30 commissioner of motor vehicles.

31 (c) This SECTION expires on the earlier of the following:

32 (1) The date rules are adopted under IC 9-13-2-58.

33 (2) December 31, 2005.

34 SECTION 36. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, strike "(a)".

Page 2, line 10, strike "machinery".

Page 2, line 11, reset in roman "implements".

Page 2, line 12, reset in roman "of".

Page 2, line 12, after "husbandry," insert **"agriculture"**.

Page 2, strike lines 16 through 18.

Page 2, line 25, after "77." insert **"(a)"**.

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(b) The bureau shall determine by rule under IC 4-22-2 whether a category of implement of agriculture was designed to be operated primarily:

(1) in a farm field or on farm premises; or

(2) on a highway."

Page 2, line 41, after "agriculture" delete "," and insert **"designed to be operated primarily in a farm field or on farm premises,"**.

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 6. IC 9-13-2-170.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 170.3. "Special machinery" means equipment that is used commercially off a highway, including a portable saw mill or well drilling machinery. The term does not include an implement of agriculture."

Page 4, line 11, after "agriculture" delete "." and insert **"designed to be operated primarily in a farm field or on farm premises."**

Page 4, between lines 37 and 38, begin a new line block indented and insert:

"(4) An implement of agriculture designed to be operated primarily in a farm field or on farm premises."

Page 5, line 25, reset in roman "(7) an implement of".

Page 5, line 26, after "transportation;" insert **"agriculture designed to be operated primarily in a farm field or on farm premises;"**.

Page 5, line 27, reset in roman "(8)".

Page 5, line 27, delete "(7)".

Page 5, line 28, reset in roman "(9)".

Page 5, line 28, delete "(8)".

Page 5, line 29, reset in roman "(10)".

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Page 5, line 29, delete "(9)".

Page 5, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 13. IC 9-18-2-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 29.5. Before a piece of special machinery is operated off a highway or in a farm field, the person who owns the piece of special machinery must:**

(1) register the piece of special machinery with the bureau; and

(2) pay the applicable registration fee."

Page 5, line 39, after "agriculture" delete "." and insert "**designed to be operated primarily in a farm field or on farm premises."**

Page 6, line 38, after "agriculture" insert "**designed to be operated primarily in a farm field or on farm premises, when operated on a highway and"**.

Page 7, line 12, after "agriculture" insert "**designed to be operated primarily in a farm field or on farm premises, when operated on a highway and"**.

Page 7, line 22, after "agriculture" insert "**designed to be operated primarily in a farm field or on farm premises, when operated on a highway and"**.

Page 7, line 38, after "agriculture" insert "**designed to be operated primarily in a farm field or on farm premises, when operated on a highway and"**.

Page 9, line 18, after "agriculture" delete ";" and insert "**designed to be operated primarily in a farm field or on farm premises;"**.

Page 10, line 3, after "agriculture" delete "." and insert "**designed to be operated primarily in a farm field or on farm premises."**

Page 10, line 15, after "agriculture" insert "**designed to be operated primarily in a farm field or on farm premises"**.

Page 10, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 23. IC 9-21-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

Chapter 21. Farm Vehicles Involved in Commercial Enterprises

Sec. 1. A motor vehicle, trailer, or semitrailer and tractor may be operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor if the vehicle meets the specifications set forth in IC 9-29-5-13(b).

Sec. 2. A farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may not be operated:

(1) part time or incidentally in the conduct of a commercial

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enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce.

Sec. 3. A farm truck described in section 1 of this chapter may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.

Sec. 4. If the owner of a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter begins to operate, or permits the farm truck, farm trailer, or farm semitrailer and tractor to be operated:

(1) in the conduct of a commercial enterprise; or

(2) for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under IC 9-29-5-13 has been paid;

the owner shall pay the amount computed under IC 9-29-5-13.5 due for the remainder of the registration year for the license fee.

Sec. 5. In addition to the penalty provided in section 7 of this chapter, a person that operates a vehicle, or allows a vehicle that the person owns to be operated when the vehicle is:

(1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and

(2) operated as set forth in section 4 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

Sec. 6. For purposes of this chapter, the operation of a vehicle in violation of section 4 of this chapter is a continuing offense and the venue for prosecution lies in a county in which the unlawful operation occurred. However, a:

(1) judgment against; or

(2) finding by the court for;

the owner or operator bars a prosecution in another county.

Sec. 7. (a) A law enforcement officer (as defined in IC 9-13-2-92(1), IC 9-13-2-92(2), or IC 9-13-2-92(3)) who discovers a vehicle registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor that is being operated as set forth in section 4 of this chapter:

(1) may take the vehicle into the officer's custody; and

(2) may cause the vehicle to be taken to and stored in a suitable place until:

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- (A) the legal owner of the vehicle can be found; or
- (B) the proper certificate of registration and license plates have been procured and the amount computed under IC 9-29-5-13.5 has been paid.

(b) A law enforcement officer described in subsection (a) who discovers a vehicle in violation of the registration provisions of this chapter may not impound any of the following:

- (1) Perishable commodities.
- (2) Livestock."

Page 11, line 2, after "agriculture" delete ";" and insert "**designed to be operated primarily in a farm field or on farm premises;**".

Page 12, between lines 18 and 19, begin a new paragraph and insert:
"SECTION 25. IC 9-29-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) This section does not apply to a vehicle or person exempted from registration under IC 9-18.

(b) The license fee for: ~~a motor vehicle that has:~~

- (1) ~~a corn shelter;~~
- (2) ~~a well driller;~~
- (3) ~~a hay press;~~
- (4) ~~a clover huller;~~
- (5) ~~a farm wagon type liquid fertilizer tank trailer; or~~
- (6) ~~farm machinery;~~

~~that is permanently mounted on the motor vehicle and used solely for transporting the equipment~~

- (1) **an implement of agriculture designed to be operated primarily on a highway; or**
- (2) **a piece of special machinery;**

is five dollars (\$5). The motor vehicle is exempt from other fees provided under IC 9-18 or this article.

(c) The license fee for a farm wagon used for transporting farm products and farm supplies in connection with a farming operation is five dollars (\$5). The farm wagon is exempt from other fees provided under IC 9-18 or this article.

(d) The license fee for a farm type dry or liquid fertilizer tank trailer or spreader or implement of husbandry used to transport bulk fertilizer between distribution point and farm and return is five dollars (\$5). The trailer, spreader, or implement is exempt from the other fees provided under IC 9-18 or this article.

(e) (c) The owner of a vehicle listed in this section is not entitled to a reduction in the five dollar (\$5) license fee because the license is granted at a time that the license period is less than a year.

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SECTION 26. IC 9-29-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. A farm wagon or farm type dry or liquid fertilizer tank trailer or spreader used to transport bulk fertilizer between distribution point and farm and return is exempt from all license fees when the wagon, trailer, or spreader is drawn or towed on a highway by a farm tractor that is registered as a farm tractor used in transportation: **an implement of agriculture designed to be operated primarily on a highway.**

SECTION 27. IC 9-29-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) This section does not apply to a vehicle or person exempt from registration under IC 9-18.

(b) The license fee for a motor vehicle, trailer, or semitrailer and tractor operated primarily as a farm truck, farm trailer, or farm semitrailer and tractor:

(1) having a declared gross weight of at least ~~eleven~~ sixteen thousand ~~(11,000)~~ **(16,000)** pounds; and

(2) used by the owner or guest occupant in connection with agricultural pursuits usual and normal to the user's farming operation;

is fifty percent (50%) of the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight.

(c) ~~A farm truck, farm trailer, or farm semitrailer and tractor described in subsection (b) may not be operated either part time or incidentally in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce.~~

(d) ~~A farm truck described in subsection (b) may be used for personal purposes if the vehicle otherwise qualifies for that class of registration.~~

Page 12, line 25, strike "(1) A farm tractor."

Page 12, line 26, after "(2)" insert **"(1)"**.

Page 12, line 26, reset in roman "Special".

Page 12, line 26, reset in roman "machinery."

Page 12, between lines 28 and 29, begin a new line block indented and insert:

"(3) An implement of agriculture designed to be operated primarily on a highway."

Page 13, line 8, strike "IC 9-17-2-7" and insert **"IC 9-18-2-7"**.

Page 13, delete lines 17 through 42.

Page 14, delete lines 1 through 22.

Page 14, between lines 34 and 35, begin a new line block indented

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and insert:

"(4) Special machinery (as defined in IC 9-13-2-170.3)."

Page 16, line 5, delete "IC 9-29-5-11; IC 9-29-5-12;".

Page 16, after line 5, begin a new paragraph and insert:

"SECTION 33. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding IC 9-13-2-77(b), as added by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-13-2-77(b), as added by this act, under interim written guidelines approved by the commissioner of motor vehicles.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-13-2-77(b), as added by this act.

(2) December 31, 2005.

SECTION 34. [EFFECTIVE JULY 1, 2004] (a) Notwithstanding IC 9-29-5-13, as amended by this act, the requirement that a motor vehicle, trailer, or semitrailer and tractor must have a declared gross weight of at least sixteen thousand (16,000) pounds in order to be categorized as a farm truck, farm trailer, or farm semitrailer and tractor does not apply to a motor vehicle, trailer, or semitrailer and tractor before January 1, 2005.

(b) This SECTION expires December 31, 2005.

SECTION 35. [EFFECTIVE UPON PASSAGE] (a) The bureau of motor vehicles shall adopt rules under IC 4-22-2 to identify and define "farm truck", "farm trailer", and "farm semitrailer and tractor", as required by IC 9-13-2-58.

(b) Notwithstanding subsection (a), the bureau of motor vehicles shall carry out the duties imposed on it by IC 9-13-2-58 and by this SECTION under interim written guidelines approved by the commissioner of motor vehicles.

(c) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 9-13-2-58.

(2) December 31, 2005.

SECTION 36. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1359 as introduced.)

RESKE, Chair

Committee Vote: yeas 11, nays 0.

HB 1359—LS 6005/DI 96+



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HOUSE MOTION

Mr. Speaker: I move that House Bill 1359 be amended to read as follows:

Page 2, line 9, delete "means," and insert "means".

Page 2, line 9, strike "except as provided in subsection (b),".

Page 3, line 18, delete "equipment that is used commercially off a highway,".

Page 3, line 19, delete "including".

Page 3, line 19, delete "The term".

Page 3, delete line 20.

Page 5, line 40, strike "(7) an implement of".

Page 5, line 41, delete "agriculture designed to be operated primarily".

Page 5, delete line 42.

Page 6, line 1, strike "(8)" and insert "(7)".

Page 6, line 2, strike "(9)" and insert "(8)".

Page 6, line 2, delete "or".

Page 6, line 3, strike "(10)" and insert "(9)".

Page 6, line 3, reset in roman "or".

Page 6, line 4, after "(11)" insert "(10)".

Page 6, line 4, reset in roman "special".

Page 6, line 4, reset in roman "machinery;".

Page 6, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 14. IC 9-18-2-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 43. (a) Notwithstanding any law to the contrary but except as provided in subsection (b), a law enforcement officer authorized to enforce motor vehicle laws who discovers a vehicle required to be registered under this article that does not have the proper certificate of registration or license plate:

(1) shall take the vehicle into the officer's custody; and

(2) may cause the vehicle to be taken to and stored in a suitable place until:

(A) the legal owner of the vehicle can be found; or

(B) the proper certificate of registration and license plates have been procured.

(b) A law enforcement officer who discovers a vehicle in violation of the registration provisions of this article ~~has discretion in the impoundment of~~ **may not impound** any of the following:

(1) Perishable commodities.

(2) Livestock.

~~(c) A person who recklessly violates this section commits a Class A misdemeanor."~~

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Page 11, line 7, after "operate" insert ":

(1)".

Page 11, line 8, after "premises" insert "; **or**

(2) a piece of special machinery;".

Page 11, line 8, block left beginning with "upon".

Page 14, line 38, delete ":".

Page 15, delete lines 5 through 6.

Page 15, line 7, delete "(2)".

Run in page 14, line 38 through page 15, line 7.

Page 15, line 7, delete ";".

Page 15, run in lines 7 through 8.

Page 15, line 27, before "farm", reset in roman "a" and insert ":

(1)".

Page 15, line 27, reset in roman "farm tractor".

Page 15, line 27, after "tractor" insert "; **or**

(2) properly registered motor vehicle."

Page 15, line 28, delete "an implement of agriculture".

Page 15, delete line 29.

Page 17, line 32, strike "twenty (20)" and insert "**twenty-five (25)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1359 as printed February 2, 2004.)

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